

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2349

IN THE MATTER OF:

Served July 8, 1982

Application of SHAW ENTERPRISES,)
INC., T/A UNITED INN OF AMERICA,)
for Amendment to Special Authori-)
zation No. SP-41-01 -- Contract)
with National Institutes of Health)

Case No. CP-82-03

By application filed June 1, 1982, as amended June 8, 1982, Shaw Enterprises, Inc., trading as United Inn of America (Shaw), seeks authority to amend its Special Authorization No. SP-41-01 issued pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 by adding a new point of service to the existing contract entered into between Shaw and the National Institutes of Health, Department of Health and Human Services (NIH). Specifically, the National Naval Medical Center Hospital, Bethesda, Md., would be included as a stop on the route between the United Inn of America and the Clinical Center (NIH), points also in Bethesda.

Order No. 2345, served June 14, 1982, generally describes the evidence submitted with the application, and that order is incorporated by reference herein. The Commission required publication of notice of the application and provided for the filing of protests, if any. In addition, the Commission allowed for the filing of comments regarding the matter of amendment to the contract for a period of less than 181 days pursuant to Regulation No. 70-05. Notice of the application was duly published and no protests or comments were received by the Commission within the time set therefor.

Commission Regulation No. 70 provides that an application of this type will be granted if it is determined that the applicant is fit, willing and able properly to perform the proposed service and to conform to the provisions of the Compact and the rules, regulations and orders of the Commission thereunder, and if it is determined that the proposed operations conform to the provisions of Regulation No. 70. The issue of whether the public convenience and necessity require such service has been determined in Case No. MP-79-04. See Order No. 2004, served June 20, 1979.

The underlying contract for authority is for a fixed term of not less than 181 days as required by Regulation No. 70. The amendment to the contract discussed herein involves a new point of service, and is for a term of less than 181 days. Regulation No. 70-05 provides that

Any proposed change, modification or amendment to such contract, renewal or extension shall be filed with the Commission for approval at least five days prior to the proposed effective date of such change or amendment provided, however, that any change, modification or amendment which would involve a new contractor, a new group of passengers or new points of service shall be subject to the application provisions of subsection 70-04 of this regulation. [Emphasis added.]

Inasmuch as the application filed by Shaw meets the provisions of subsection 70-04 of the regulation and involves an amendment to an outstanding special authorization pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1, the Commission finds that the application conforms to the requirements of Commission Regulation No. 70. It is further found, based on the evidence of record as described in Order No. 2345, that applicant is fit, willing and able properly to provide the service described above and to conform to the requirements of the Compact and the rules, regulations and orders of the Commission thereunder.

The application shall be granted and an appropriately amended Special Authorization shall be issued.

IT IS SO ORDERED.

FOR THE COMMISSION:



JOEL C. WEINGARTEN
Acting Executive Director